

MEMORIAL

OF

CERTAIN INSURANCE COMPANIES OF THE CITY OF NEW YORK,

PRAYING

That the act of March 2, 1837, concerning pilots, may not be repealed.

JANUARY 15, 1846.

Referred to the Committee on Commerce, and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The undersigned, on behalf of the respective marine insurance companies of this city, as designated below, beg leave

RESPECTFULLY TO REPRESENT :

That they have perused the memorial of the pilots of New York to your honorable bodies praying for the repeal or modification of the act of Congress of March, 1837, concerning pilots ; and feeling, of necessity, a deep interest in this important subject, ask leave respectfully, but earnestly, to call the attention of Congress to the following exposition of their views and of a few leading facts in reply to said memorial, and in opposition to its prayer.

That this memorial alludes to the act of 1837 of this State, and says that " by its enactments all the freedom and competition desirable or consistent with a due regard to the lives and property of their fellow-citizens were secured, and the objections in this respect, which were urged at a former period, were removed," and it then recites the act of Congress passed in March of the same year.

Your memorialists are apprehensive that the inference may be drawn from this mode of referring to the law of this State and to that of Congress, that the former preceded the latter, and by its liberal provisions left no necessity for the interference of Congress ; whereas, the fact to which we desire to call the attention of your honorable bodies is, that the act of this State, thus alluded to, was not passed until the 12th of April, 1837, and of course after, and, as your memorialists contend, in consequence of the act of Congress of the 2d of March preceding.

As regards the allusion in the pilots' memorial to the excitement occasioned by the destruction of lives and property by the loss of the ships Bristol and Mexico, your memorialists have only to say that these disasters tended to render still more manifest the errors and the dangers of the

previous system, which, degenerating into a monopoly, prevented that competition and consequent stimulus to exertion which alone can provide adequate security for the important interests at stake.

Your memorialists admit with pleasure, as stated in the pilots' memorial, that, under the act of Congress, a board of pilot commissioners has been established by the State of New Jersey; and to the competition thence arising we are indebted for that important and beneficial change in our system which finds our pilots fifty miles from land, tendering their services to vessels arriving off our port; whereas, under former management, without competition in the service performed under regulations of their own, with none to interfere, vessels entering our harbor were left to find their pilots long after the pilots should have performed their obvious duty of boarding the vessels before their near approach to danger.

To show the relative number of pilots belonging to New York and to New Jersey, respectively, and to prove conclusively the value and necessity of the competition which the law of Congress introduced, we beg leave to exhibit the accompanying statement of facts.

By a statement prepared by a committee of the Chamber of Commerce last year, to be laid before the legislature of this State, it appeared that the New York pilots were then 81 in number, with 13 pilot boats; that the New Jersey pilots were then 17 in number, with 3 pilot boats; and the following facts were taken from the bills of pilotage of a few of our principal shipping houses, presenting a striking contrast between the present and the old monopoly system as it existed prior to 1837, when the act of Congress created the competition:

Of 123 inward pilotages in 1835-'36, 115 were in-shore, and 8 were off-shore.

Of 129 inward pilotages in 1843-'44, 16 were in-shore, and 112 were off-shore.

By "off-shore," is meant such a distance from Sandy Hook that the light-house cannot be seen from a vessel's deck in fair weather, (about 12 to 15 miles.) "In-shore" means within this distance of the Hook. By the return of the commissioners of the New York pilots for the same year, (1844,) it appeared that with 81 pilots and 13 boats, they brought in 1,992 vessels, and took out 1,610. Total 3,602—equal to 277 for each boat, and 44½ for each pilot.

By the return of the commissioners of the New Jersey pilots, it appeared, that with 17 pilots and 3 boats, they brought in 563 vessels, and took out 568. Total 1,131—equal to 317 for each boat, and 67 for each pilot.

All which plainly proves the good effects of the operation of the act of Congress upon the pilot service of our port.

The official returns of the New Jersey board of commissioners for 1845 are as follows:

There are now	-	-	17 branch pilots
Do. do.	-	-	6 deputy do.

Total	-	23	with four boats.
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During the year	-	-	590 vessels have been brought in.
Do. do.	-	-	522 do. do. taken out.

Total	-	1,112	
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About nine-tenths of which number have been boarded at sea *out of sight* of Sandy Hook.

The official returns of the new pilot board of this city, established in June last, after the repeal of the State laws of New York, are as follows:

There are	-	-	-	3	branch pilots.
Do.	-	-	-	13	deputy pilots.

Total	-	-	-	16	and two pilot boats.
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They have brought in 62 vessels, and taken out 123; and of the 62 vessels brought in, 58 were boarded out of sight of Sandy Hook.

The memorial of the pilots represents "that the petition to the House of Representatives in 1842, asking for a law of Congress regulating the pilotage of steamboats on the Mississippi and Ohio rivers, was referred to the Committee on Commerce, who reported in favor of leaving the subject to the legislatures of the States, whose power was ample, and who had access to that local information which was essential to enlightened legislation."

Your memorialists respectfully contend that the cases are in no respect analogous. To regulate the pilotage on the Mississippi and Ohio, as asked for in that petition, would be to restrict the rights of the States; whereas the act of Congress of 1837 confirms and extends their rights. The former would be an interference with the regulations of the States as to pilotage on their own rivers in the interior, whereas the latter relates only to the foreign and coastwise commerce of the country, and interferes with State regulations no further than to allow the master of any vessel, entering or leaving any port situate on waters that are the boundary between two States, to employ any pilot duly authorized by the laws of either State.

The memorial of the pilots further represents that there exists at this time no law of the State of New York for the government of the pilot service within the jurisdiction of the State, the same having been repealed during the year. Your memorialists reply that our State laws respecting pilots and pilotage "by way of Sandy Hook" have, indeed, been repealed, although the State retains its authority and continues its regulations respecting pilotage in its own waters through Hurl Gate; but these laws were so repealed at the express instance of the pilots themselves. In their petition to our legislature, "they claimed that either the law of Congress should be repealed and all the pilots of the port subjected alike to the provisions and restrictions of the State law, or that the restrictions of the State law shall be removed from them, and they left, like the pilots who carry the licences of other States, under the simple enactments of the law of Congress." Their request was granted; and now, in their memorial to Congress, they urge "that further legislation is necessary for the protection of their rights and the interests of the public, and that this necessity is rendered evident from the fact that a self-constituted body of individuals in this city have organized themselves as a board of pilot commissioners."

Your memorialists, together with the merchants of our city largely interested in the commerce of New York, feeling great uneasiness for the consequences to be apprehended from the entire repeal, by our State, of all laws on this subject, proceeded immediately to the selection of compe-

tent persons for the purpose of examining the qualifications of applicants, and issuing certificates to them accordingly, in order to provide at once for the appointment of a sufficient number of competent pilots, because there was no law to regulate the subject. The pilots of New York were at once, and as a matter of course, invited to coöperate with the board for this object; and every pilot, previously licensed by existing State laws, was subjected to no examination; such a licence was all that was required to entitle him to receive a certificate from this board, which had been constituted solely to provide for the emergency occasioned by the repeal of the laws of the State. The pilots, however, rejected all overtures, and it appeared that nothing would satisfy them but the exclusion of the New Jersey pilots, or the repeal of the law of Congress.

Your memorialists desire on this occasion explicitly to assure your honorable bodies that they neither deny the competency, nor are disposed to undervalue the merit, nor do they wish, in any respect, to interfere with the interests or limit the employment of the New York pilots; on the contrary, the undersigned desire that the character and skill of that most useful and valuable class of citizens should become identified with the interests and reputation of our port; but it is against the old system of the pilot service, which degenerated into a monopoly, and which would produce the same result in any hands, that your memorialists protested before; and it is against the return of all its errors and evils and dangers that they now earnestly and solemnly beg leave to protest again.

Healthful competition has induced vigilance and exertion on the part of the pilots, and secured adequate protection to commerce; and there is employment for all whose skill and industry qualify them for their duties. In furtherance, therefore, of the permanent security and best interests of the trade and commerce of our port, your memorialists respectfully entreat of your honorable bodies that the act of Congress of the 2d of March, 1837, may *not* be repealed, but allowed to remain in full force and virtue.

ABR. OGDEN, *Pres. General Marine In. Company.*

ZEB. COOK, *Pres. Mutual Safety In. Company.*

WALTER R. JONES, *Pres. Atlantic Mutual In. Co.*

JAS. D. OGDEN, *President Alliance M. Insurance Co.*

A. B. NEILSON, *President Sun Mutual Insurance Co.*

L. GREGORY, *Vice Pres. Mercantile Mutual In. Co.*

S. BALDWIN, *President Pelican M. Insurance Co.*

J. B. NONES, *Vice President Croton Insurance Co.*

NEW YORK, January 10, 1846.